



712/P, PTON
Allens
5/2/03
PATENT

Docket No.: 64965-054

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Shashank MERCHANT, et al. :
Serial No.: 09/315,973 : Group Art Unit: 2662
Filed: May 21, 1999 : Examiner: Anh Vu H Ly
For: NETWORK SWITCH WITH MULTIPLE-PORT SNIFFING

RECEIVED

MAY 02 2003

REQUEST FOR RECONSIDERATION

Technology Center 2600

Commissioner for Patents
Washington, DC 20231

Sir:

This Request for Reconsideration is filed with a Request for Continued Prosecution Application.

Claims 1-19 are presented for examination. Claims 7-13 and 19 are found allowable subject to being rewritten in independent form.

Claims 1-6 and 14-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kerstein in view of Murthy.

It is noted that the Kerstein patent assigned to the assignee of the present application qualifies only as a reference under 35 U.S.C. 102(e). Therefore, in accordance with 35 U.S.C. 103(c), Kerstein is not available as prior art under 35 U.S.C. 103.

Accordingly, withdrawal of the rejection under 35 U.S.C. 103 is respectfully requested.

09/315,973

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY


Alexander V. Yampolsky
Registration No. 36,324

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 AVY:MWE
Facsimile: (202) 756-8087
Date: April 28, 2003